

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES GEMELAS, On Behalf of Himself)	
and All Others Similarly Situated,)	No. 1:08-cv-00236
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	DECLARATION OF FRANK E.
)	PISCITELLI, JR. IN SUPPORT OF
THE DANNON COMPANY, INC.,)	PLAINTIFF'S MOTION FOR AN AWARD
)	OF ATTORNEYS' FEES AND EXPENSES
Defendant.)	AND RESPONSE TO OBJECTIONS
)	
)	

I, Frank E. Piscitelli, Jr., declare as follows:

1. I am one of the attorneys representing the Class Members ("Class") in this lawsuit. I am submitting this declaration in support of my firm's application for an award of attorneys' fees in connection with services rendered in the above-entitled action since June 9, 2010.

2. From the inception of this litigation and since the settlement was approved by this Honorable Court, I have aggressively prosecuted this case and vigorously represented the best interests of the Class. Since the approval of the settlement, I have been directly involved in developing litigation strategies and tactics, relating to the objections filed, drafting briefs regarding the objections filed, actively participating in hearings and in Court conferences

regarding the objections filed, negotiating with Objectors' counsel to reach settlement and developing discovery related to the objections.

3. In addition, I regularly consulted with Mr. James Gemelas, the Court-Appointed Class Representative in this nationwide class action, who is my client, in order to keep him apprised and informed in the on-going status of the negotiations and settlements with the Objectors and their attorneys.

4. Since June 9, 2010, the total number of hours spent on this litigation by my firm is 191.75. The total lodestar amount for attorney/professional time based on the firm's rates is \$98,887.50. The hourly rates shown below are the usual and customary rates charged for each individual in all of our class action cases. A breakdown of the lodestar is as follows:

NAME	HOURS	RATE	LODESTAR
Frank E. Piscitelli, Jr.	151.50	\$600.00	\$90,900.00
Law Clerk – Regina DiTommaso	34	\$200.00	\$6,800.00
Paralegal I – Pam Loftus	6.25	\$190.00	\$1,187.50
TOTAL	191.75		\$98,887.50

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 22nd day of June, 2011, in Cleveland, Ohio.

/s/ Frank E. Piscitelli, Jr.
FRANK E. PISCITELLI, JR.